

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 202005820	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/28/2020 1:48 AM	Location of Incident: City Hall Park at Park Row and Spruce Street	Precinct: 01	18 Mo. SOL 1/28/2022	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 08/21/2020 7:50 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 08/25/2020 11:27 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Roy Anuskiewicz	16860	960165	023 PCT
2. POM Anthony Lorusso	07410	960833	023 PCT
3. POM Savonn Hillcecil	17567	964059	023 PCT
4. LT Lawrence Wang	00000	948283	023 PCT
5. POM Jefferson Allie	26874	964873	023 PCT
6. POM Lallit Beharry	28207	966960	023 PCT
7. POM Sheldon Elliott	21027	958550	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POM Roy Anuskiewicz	Discourtesy: Police Officer Roy Anuskiewicz spoke discourteously to § 87(2)(b)	
B. POM Roy Anuskiewicz	Abuse: Police Officer Roy Anuskiewicz threatened an individual with the use of force.	
C. § 87(4-b), § 87(2)(g)		
D.		
E.		
F.		
G.		
H.		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On August 21, 2020, § 87(2)(b) who did not witness this incident, filed this complaint on behalf of § 87(2)(b) and an unknown male victim with IAB by email. It was received at the CCRB on August 25, 2020, under IAB log number 20-20269.

On July 28, 2020, at approximately 1:48 a.m., § 87(2)(b) and a male victim § 87(2)(b) declined to provide a name or contact information for this person) were walking past City Hall Park at the intersection of Park Row and Spruce Street in Manhattan. § 87(2)(b) and the male victim saw PO Roy Anuskiewicz, PO Anthony Lorusso, PO Savonn Hillcecil, PO Jefferson Allie, PO Lallit Beharry, PO Sheldon Elliott, and Lieutenant Lawrence Wang, all of the 23rd Precinct, standing by the gate surrounding City Hall Park. When § 87(2)(b) saw PO Anuskiewicz and four of the other officers smoking cigars, § 87(2)(b) asked them if they were allowed to smoke while on duty. One of the officers told her that they were celebratory cigars for the recently passed city budget and for clearing out the encampment of protestors that had taken up residence in City Hall Park a few days prior. In response to this, § 87(2)(b) told the officers, “Have a terrible night!” PO Anuskiewicz responded to § 87(2)(b) “Suck my dick!” (**Allegation A: Discourtesy – Word**, § 87(2)(g)). The male victim asked PO Anuskiewicz why he had said that to § 87(2)(b) and, after speaking for a couple minutes, PO Anuskiewicz moved close to the male victim and yelled, “Come on this side!” while pointing to the ground on his side of a metal barricade separating the street and the sidewalk (**Allegation B: Abuse of Authority – Threat of Force**, § 87(2)(g)). PO Lorusso, PO Beharry, PO Hillcecil, PO Allie, PO Elliott, and Lieutenant Wang approached PO Anuskiewicz, § 87(2)(b) and the male victim then walked away from the scene.

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) took cell phone video of a portion of this incident (**BR 01** and **BR 02**). There was no other video of the incident. No arrests or summonses resulted from this incident. § 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Roy Anuskiewicz spoke discourteously to § 87(2)(b).

§ 87(2)(g)
§ 87(2)(b) (**BR 03**) stated that on July 28, 2020, at approximately 1:48 a.m. she and the male victim were walking by City Hall Park at the intersection of Park Row and Spruce Street. As they passed, § 87(2)(b) who was approximately 10 to 12 feet away, saw PO Anuskiewicz and three to four additional officers smoking cigars. § 87(2)(b) and the male victim were on the street immediately next to a metal barricade separating the street from the sidewalk, and the officers were standing closer to the tall metal fence that surrounds the park itself. § 87(2)(b) asked the officers if they were allowed to smoke while on duty, and one of the officers told her that they were celebratory cigars in honor of the recently passed city budget and for clearing out the encampment of protestors who had taken up residence in the park a few days prior. § 87(2)(b) who was still at the metal barricade at the curb told the officers, “Have a terrible night!” and took a couple steps away when PO Anuskiewicz turned toward her, approached the metal barricade and said, “Suck my dick.” After he said this, § 87(2)(b) started to record the incident with her cell phone.

§ 87(2)(b) declined to provide a name or contact information for the male victim. As such, the investigation was unable to obtain a statement from him.

PO Anuskiewicz (**BR 04**) stated that he first noticed § 87(2)(b) and the male victim when § 87(2)(b) who was walking by the officers at the metal barricade separating the street from the sidewalk, yelled to the officers, “I hope you have a fucking horrible night!” Prior to that, none of the officers had spoken with or otherwise interacted with § 87(2)(b) or the male victim. § 87(2)(b) kept walking, and PO Anuskiewicz said in a normal tone of voice, “Wow! Okay.” PO Anuskiewicz assumed that § 87(2)(b) had heard him say this because she stopped walking, turned around, and approached the metal barricade in front of where he was standing. § 87(2)(b) then accused PO Anuskiewicz of telling her,

Per Patrol Guide Procedure 200-02 (**BR 11**), officers must treat all civilians with compassion, courtesy, and professionalism. Officers are expected to maintain a higher standard of integrity than is generally expected of others

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Roy Anuskiewicz threatened § 87(2)(b) with the use of force.

It was undisputed that PO Anuskiewicz moved close to the male victim and yelled, “Come on this side!” while gesturing with his hand that the male cross over the metal barricade separating them.

§ 87(2)(b) (**BR 03**) stated that after PO Anuskiewicz told her, “Suck my dick!”, the male victim asked PO Anuskiewicz, who had his back to them, why he had said that to § 87(2)(b). PO Anuskiewicz turned toward them, approached the metal barricade, yelled loudly at the male victim, and told him to come over onto PO Anuskiewicz’s side of the metal barricade. PO Anuskiewicz increased his volume while he repeated for the male victim to come onto the other side of the barricade and pointed to the ground on his side of the barricade with his hand. The male victim remained where he was standing and did not move, while PO Anuskiewicz leaned closer so that they were face-to-face with only inches between them. When the male did not go onto the other side of the barricade, PO Anuskiewicz walked back toward the large fence around City Hall Park while other officers tried to calm him down by walking around him. § 87(2)(b) did not want the situation to escalate further because she was afraid that PO Anuskiewicz would physically harm them, so she and the male victim walked away from the area.

As noted above, the investigation was unable to establish contact with the male victim.

§ 87(2)(b) filmed a portion of this incident on her cell phone (**BR 01** and **BR 02**). The video begins with the male victim and PO Anuskiewicz arguing about the definition of “derogatory.” Beginning at 00:09 seconds, PO Anuskiewicz walks toward the male victim and § 87(2)(b) who are standing behind a metal barricade separating the street from the sidewalk. At 00:17 seconds, § 87(2)(b) asks PO Anuskiewicz, “Why are you stepping into his face?” PO Anuskiewicz responds, “I’m not. I’m behind the barrier.” At 00:33 seconds, the male victim says to PO Anuskiewicz, “They [police] have these jobs because they make the IQ low for your dumbass to get it. If the IQ was high enough, you couldn’t get the job, you fucking dumbass.” Beginning at 00:42 seconds, PO Anuskiewicz responds, “So you can?” and points to the ground with his right hand. PO Anuskiewicz walks closer to the male victim so that they are less than a foot apart, leans his head down towards the male victim’s face and yells, “So come on this side! Come on this side! Come on this side! Huh! Huh! Huh!” PO Anuskiewicz then turns around toward the other officers who are immediately surrounding him. The right side of PO Anuskiewicz’s torso is not captured in the frame, and it is not clear if any officers physically pull PO Anuskiewicz away from § 87(2)(b) and the male victim.

PO Anuskiewicz (**BR 04**) stated that after he said, “Wow, okay,” § 87(2)(b) and the male victim walked back up to the metal barricade, and the male started calling him names like, “officer dipshit,” and, “dumbass,” and accused him of making derogatory statements. PO Anuskiewicz and the male victim spoke for a few seconds, and then PO Anuskiewicz moved closer to the male victim’s face, pointed to the ground with his hand, and repeatedly told him, “Come on the side.” PO Anuskiewicz then turned around, and § 87(2)(b) and the male walked away. PO Anuskiewicz did not recall any other officers intervening.

PO Anuskiewicz could not recall why he moved closer to the male victim when he repeated “Come on this side,” and could not recall if he was yelling. PO Anuskiewicz explained that when he said, “Come on this side,” and pointed to the ground with his hand, he had meant, “Come on this side of the law and help out your community.” When asked if he ever explained this to the male victim, PO Anuskiewicz said that he had not. When asked why he had told the male victim, “Come on this side!”, PO Anuskiewicz said that he had been angry and that, “We were a little heated [because of the verbal exchange]. It was a long night. They seemed angry as well.” PO Anuskiewicz added that it was not his intent to physically fight with the male individual.

PO Lorusso (**BR 05**), PO Hillcecil (**BR 06**), PO Allie (**BR 07**), PO Elliott (**BR 08**), PO Beharry (**BR 09**), and Lieutenant Wang (**BR 10**) all gave generally consistent statements. PO Lorusso could not make out what PO Anuskiewicz and the male victim were saying from where he was standing but was concerned that PO Anuskiewicz and the male victim were going to keep “screaming” at each other, so he decided to approach the three of them and told them all, “Let it go and walk away.”

PO Hillcecil heard PO Anuskiewicz loudly going back and forth with § 87(2)(b) and the male victim, and he tapped PO Anuskiewicz on the shoulder to “break up the spat,” and because he wanted them to “stop bickering.”

PO Beharry did not hear PO Anuskiewicz say, “Come on this side,” but approached the metal barricade because he thought that § 87(2)(b) and the male victim might try to go over it.

PO Allie approached the metal barricade because he wanted to clearly hear what PO Anuskiewicz, § 87(2)(b) and the male victim were saying. PO Allie could not recall what they were saying, but noted that it was nothing requiring police action, so he decided not to intervene.

Lieutenant Wang was in a police van across the street when he saw PO Anuskiewicz speaking with § 87(2)(b) and the male victim. He approached and heard § 87(2)(b) and the male victim using “inflammatory language” toward PO Anuskiewicz, who appeared frustrated and “emotional” and the other officers. Lieutenant Wang thought that § 87(2)(b) and the male victim were “professional agitators,” and told PO Anuskiewicz to walk away because the conversation served no purpose.

PO Elliott heard § 87(2)(b) and the male victim yelling at the officers, but he did not observe any specific interaction between them and PO Anuskiewicz. (PO Anuskiewicz later approached PO Elliott and told him that a CCRB interview was coming up and he wanted to explain to him what had been captured on video. PO Anuskiewicz told PO Elliott during this conversation that he had wanted the male victim to “come on their side and see how it looks,” or, “see my perspective.” PO Anuskiewicz added, “The dude [male victim victim] didn’t know what it was like from our side. He should come on this side of the barrier.”)

§ 87(2)(g)

§ 87(2)(b) stated that she was afraid that PO Anuskiewicz was going to harm her and the male victim and that he was trying to incite a physical fight. PO Lorusso, PO Hillcecil and Lieutenant Wang all stated that they approached intending to stop the verbal interaction from continuing, and PO Allie, PO Beharry, and PO Elliott were all cognizant of a verbal dispute. PO Anuskiewicz stated that he was angry, that the verbal exchange was heated, and that he never explained that he had meant that the male victim should, “Come on this side of the law.” § 87(2)(g)

Patrol Guide procedure 221-01 (**BR 12**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (**BR 13**).
- PO Anuskiewicz has been a member of service for four years, and this is the first CCRB complaint to which he has been a subject.
- PO Lorusso has been a member-of-service for four years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
- PO Hillcecil has been a member of service for three years, and this is the first CCRB complaint to which he has been a subject.
- PO Allie has been a member of service for two years, and this is the first CCRB complaint to which he has been a subject.
- PO Beharry has been a member of service for one year, and this is the first CCRB complaint to which he has been a subject.

